



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 7, 2021

By ECF and Email

Honorable J. Paul Oetken
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Todd Capser, 19 Cr. 337 (JPO)*

Dear Judge Oetken:

The Government respectfully writes to provide the Court and defense counsel with the content of an email written by the ex-wife of the defendant ("Individual-1"). Individual-1 and the defendant have three children together. Individual-1 sent the email to the Government earlier today. Individual-1 asked that the Government file the email on the public docket and that the Court take it into consideration at sentencing.

The content of the email is attached hereto as Exhibit A. The publicly filed version of the email has been redacted to protect the identities of Individual-1 and her children, as well as certain medical information concerning one of the children. The Government will submit an unredacted version of the email to the Court and defense counsel. Based on the foregoing privacy interests, the Government respectfully requests that the unredacted version be filed under seal.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by:

David A. Robles
Benjamin Woodside Schrier
Assistant United States Attorneys
(212) 637-2550/1062

cc: Counsel to Todd Capser

EXHIBIT A

Dear Mr. Shrier and Ms. Cartwright,

I am writing to give a brief history of my experience with Todd Capser as a father and provider, and to let you know where things currently stand with Todd and his involvement with his children.

I am Todd's ex-wife and mother of our 3 children, [REDACTED] age 19, [REDACTED] age 17, and [REDACTED] age 13. We have been legally divorced since 2013. At the beginning of our divorce, Todd supported the children financially, paying timely child support. Todd was generous in providing for the kids extracurricular activities and medical needs. Todd and I shared joint custody of all three kids. He resides with his parents, and with them, he had the kids about 40% of the time. However, the time the kids spent with Todd was often volatile and unpredictable. They fought frequently and all three of them were often stressed and eager to return home.

When Todd was arrested in May of 2019, child support ended. Over the past 2 and a half years Todd has given a sporadic and inconsistent amount to help take care of his children. Specifically, \$200-\$500 hundred dollars every few months. Currently, [REDACTED] and [REDACTED] are minors and in my care. Todd pays for [REDACTED]'s cell phone. All other bills are paid by my husband and myself, including health insurance, medical, dental, extra curricular activities, vehicles, car insurance, gas, lunches, clothes, ect. I frequently ask Todd to help financially and have sent him detailed lists of monthly expenses. He usually responds with a list of things he has paid regarding our adult son. Monthly, Todd finances a BMW, phone, and spending money for [REDACTED]. Todd's financial resources, whatever they may be, are not spent on his dependent daughters. He is more than comfortable leaving that full burden to my husband and I.

Todd does not to my knowledge have a job or a steady income. He stays home all day, and claims to be a consultant. At the time of [REDACTED]'s arrest I owned a dance studio. When he stopped providing child support, I began to look for additional work. Last year, I was diagnosed with stage 2 Breast Cancer. Once I successfully finished chemotherapy, I began a full time job during my radiation treatments. I am currently working 8 a.m. to 5 p.m. as a design assistant and evenings as the owner of the dance studio. I often work 12 hours multiple days a week. Todd's lack of motivation to have consistent income and help his children financially is of utmost concern to me.

After Todd was arrested and charged in New York, he came home and vehemently denied any wrongdoing. He frequently says his charges will be dropped, or that no one knows the real story. The court records of Todd's testimony and the story he spins in his daily life are in stark contrast. He denies telling the FBI that his daughter had Cancer, a fact that is very difficult for her to deal with to this day. Todd's refusal to be honest with himself and others regarding his situation makes me extremely concerned about his mental state. When he returned from New York, my attorney and I requested the kids no longer have any overnights with him. We also requested the time the kids spend with Todd is solely at their discretion. Todd and his attorney agreed. We did not file official paperwork with the court. At the time I believed his sentencing was just months away.

Currently, [REDACTED] remains fairly close with Todd, they speak multiple times a week. [REDACTED] see's Todd on a somewhat consistent basis. She spends a few hours a day every other weekend at his parents house. On occasion she asks to spend the night with him and I have granted that request. [REDACTED] refuses to spend any time with her Dad. She is deeply hurt. Todd and his parents have verbally blamed her for things that no child could be responsible for. Todd's public claim that she had Cancer is very difficult for her to process and overcome. [REDACTED]

[REDACTED] While I am overjoyed to say that right now she is doing

really well, Todd has not been an emotional support to her during her journey. In fact, he makes things harder for her with his inability to acknowledge his own actions in any regard.

Lastly, Todd's physical health is a mystery to me. While married, he claimed to have liver problems. When we would argue about anything, he would inverabley have a medical issue. At one point he told me had leg cancer. During the early years of our divorce, Todd claimed to have heart issues. He missed [REDACTED]'s 7th birthday because he claimed to be out of town having a heart procedure. I never saw any evidence of these health claims. Todd asserts his recent medical issues have prohibited him from traveling for sentencing. However, during this time he has been healthy enough to drive across the state for football games, and attend every function the kids have had.

Todd's current pleas to the court are part of a long pattern of deflection to gain sympathy and avert attention to his behavior. The emotional and financial strain that Todd's actions have inflicted on our family are immeasurable. It is a daily struggle for my children to discern what is real and what is not regarding their Dad. I truly believe that if he is not held accountable for his actions to the highest degree he will continue to inflict this roller coaster ride on his children. Todd is not contributing to the emotional health or financial stability of his family as he himself is clearly not mentally or physically stable.

Respectfully submitted,

[REDACTED]